

after consulting with other council members in making the selection. FmHA or its successor agency under Public Law 103-354 State Directors will cooperate with the SFAC in seeing that centers are properly staffed.

(ii) Orienting the selected employees on all current USDA disaster programs. FmHA or its successor agency under Public Law 103-354 State Directors will cooperate in this orientation to ensure that the USDA representatives at the center(s) are familiarized with the FmHA or its successor agency under Public Law 103-354 EM loan program and other FmHA or its successor agency under Public Law 103-354 loan programs that could be of assistance to the disaster victims; and

(iii) Informing the FEMA that USDA representatives are available to help at each of the disaster application centers.

(2) The FmHA or its successor agency under Public Law 103-354 State Director will be responsible for pursuing the following policy in working with the FEMA and the FCO by:

(i) Authorizing receipt of EM loan applications in the counties named by the FEMA. However, no EM loans can be approved until the National Office has given such notification as prescribed in § 1945.20(a)(1) of this subpart;

(ii) Attending or delegating a representative to attend any meeting(s) called by the FCO to discuss Federal assistance under the disaster declaration; and

(iii) Advising the FCO to contact the SFAC Vice Chairperson, if a request is made by the FCO for FmHA or its successor agency under Public Law 103-354 employees to help staff the FEMA's Disaster Application Centers; and

(iv) Advising the FCO that FmHA or its successor agency under Public Law 103-354's "Report of Emergency Loans Made Pertaining to Disasters" will be provided quarterly to FEMA's National Office by the FmHA or its successor agency under Public Law 103-354 National Office.

**§ 1945.26 Relationship between FmHA or its successor agency under Public Law 103-354 and SBA.**

(a) *General.* Public Law 99-272 made agricultural enterprises ineligible for

SBA physical disaster and economic injury loan programs. However, in disaster areas declared by the President or the SBA Administrator, the SBA will continue to accept physical disaster loan applications for losses to dwellings and/or personal household contents, regardless of whether the dwelling is located on a farm or non-farm tract. It is the policy of USDA and FmHA or its successor agency under Public Law 103-354 to cooperate with SBA in the use of each agency's respective loan making authorities, to complement the activities of each other; and to the extent possible, improve the delivery of disaster assistance to the agricultural segment of the country and minimize the potential for duplication of benefits for the same losses from the disaster loan programs administered by the two agencies.

(b) *Preventing duplication of disaster program benefits.* Preventing borrowers from receiving duplicate disaster program benefits will be assured by taking the following precautions:

(1) For all counties named by FEMA under a major disaster or Presidential emergency declaration, the FmHA or its successor agency under Public Law 103-354 County Offices will notify the appropriate SBA Disaster Area Office of all EM loan applications received each week, for damage or loss of farm dwellings and/or loss of household contents. Notice will be given by forwarding to SBA a photocopy of the applicant's completed Form FmHA or its successor agency under Public Law 103-354 410-1, "Application for FmHA or its successor agency under Public Law 103-354 Services." Block 22 of the form should indicate the purpose for which the loan was requested.

(2) For each application referred to in paragraph (b)(1) of this section, FmHA or its successor agency under Public Law 103-354 County Offices will send a copy of each final action taken with EM loan applications to the appropriate SBA Disaster Area Office.

(3) A farm applicant may elect to obtain SBA financing for physical damage or loss to the dwelling and household contents, and separate financing from FmHA or its successor agency under Public Law 103-354 to cover damages or losses to the farming operation.

Accordingly, applicants who elect to receive SBA physical disaster loans for dwelling and/or household content losses may also file for FmHA or its successor agency under Public Law 103–354 EM loan assistance in disaster areas declared by the President or the Secretary of Agriculture or FmHA or its successor agency under Public Law 103–354 Administrator. An EM loan will *not* be approved until it is determined the requirements of § 1945.163(d) of subpart D of this part will be met. When an EM loan is approved, the FmHA or its successor agency under Public Law 103–354 County Office will notify the SBA Disaster Area Office, pursuant to paragraph (a)(4)(ii) of § 1945.183 of subpart D of this part.

(c) *How SBA disaster loans are made available.* SBA disaster loans are available in counties:

(1) Named by the FEMA under a major disaster or emergency declaration by the President; for physical loss and/or economic injury disaster loans.

(2) Declared by the SBA Administrator for physical loss and economic injury disaster loans.

(3) Designated by the Secretary of Agriculture for Agri-dependent businesses.

(d) *Notification of SBA disaster areas.* The SBA Central (National) Office will notify the FmHA or its successor agency under Public Law 103–354 National Office when its disaster loan program is made available. The FmHA or its successor agency under Public Law 103–354 National Office will notify State Directors, by memorandum, of the SBA disaster areas; and State Directors will notify the appropriate County Supervisor(s) in writing.

**§ 1945.27 Relationship between FCIC and FmHA or its successor agency under Public Law 103–354.**

(a) *General.* Exhibit A of FmHA Instruction 2000–N (available in any FmHA or its successor agency under Public Law 103–354 office) is a Memorandum of Understanding between FCIC and FmHA or its successor agency under Public Law 103–354. This Memorandum of Understanding is intended to assist in maintaining and improving the working relationship between the FCIC and the FmHA or its

successor agency under Public Law 103–354 by providing encouragement to regular and FmHA or its successor agency under Public Law 103–354 EM loan borrowers to use Federal All-Risk Crop Insurance, where available; assist FmHA or its successor agency under Public Law 103–354 borrowers to obtain All-Risk Crop Insurance or other agricultural commodity insurance coverage; and exchange information essential to the elimination of duplicating compensatory disaster benefits from the FCIC and FmHA or its successor agency under Public Law 103–354 for the same disaster losses.

(b) *Annual meeting with FCIC.* FmHA or its successor agency under Public Law 103–354 State Directors will meet with FCIC Field Operations Office Directors at least once each year to review the Memorandum of Understanding and rededicate their efforts and those of their respective agency employees to comply with the agreements contained in the Memorandum of Understanding.

(c) *Contact after EM actual loss loans are made available.* After each disaster, when EM loans are made available, State Directors are *required* to promptly contact the FCIC Field Operations Office Director to review the Memorandum of Understanding and agree on how each agency will fulfill its responsibilities in dealing with the disaster situation.

(d) *Notification to County Offices.* State Directors *will* provide instructions for actions to be taken by County Supervisors in maintaining a good relationship with FCIC Insurance Representatives.

**§ 1945.28 Relationship between ASCS and FmHA or its successor agency under Public Law 103–354.**

Exhibit A of FmHA Instruction 2000–JJ (a copy of which is available in any FmHA or its successor agency under Public Law 103–354 office) is a Memorandum of Understanding between ASCS and FmHA or its successor agency under Public Law 103–354. This Memorandum of Understanding is intended to assist in maintaining and improving the working relationship between the ASCS and the FmHA or its successor agency under Public Law 103–